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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,957	11/30/2005	Youichi Zenda	20435/0202684-US0	7457
7278 7590 02/28/2008 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
EXAMINER				
AMIRI, NAHID				
ART UNIT		PAPER NUMBER		
3679				
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02/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,957

Applicant(s)

ZENDA ET AL.

Examiner

NAHID AMIRI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, Figs. 2-8, in the reply filed on 26 November 2007 is acknowledged.

Claims 10-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 26 November 2007.

Upon review of the instant claims in response to applicant's amendment, it has come to the examiner's attention that the indicated allowability of claims 2 and 3 should be withdrawn in view of the newly discovered reference to Pub. No. US 2006/0204322 A1 Roiser. The delay in locating this reference is regretted. Rejections involving the newly cited reference follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 5, it should be noted that the preamble of claim 5 sets forth only the member joining device subcombination, with the intended use of for connecting a first member to a second member. As initially set forth, the elements of the combination are not positively included in the claims. However, claim 5 positively includes not only the first element and a second element, it now includes two second elements. Accordingly, it is unclear as to whether the combination or subcombination is being claimed. For this Office action, it is presumed that only the subcombination is being claimed. Further, it is unclear as to how the connection of multiple second elements to the first element (at opposite ends thereof) pertains to the single

member joining device set forth by claim 1 that is used to connect a single second element to the first element.

Regarding claim 6, line 2, the phrase "pipe-like" renders the claim indefinite because "pipes" come in no set specific shape. Accordingly, it is not known what shape constitutes "pipe-like". If it intends to merely recite that there is a corresponding tubular shape, then such should be set forth instead.

Claim 6, line 4, it is unclear what "contact faces" applicant is referring to.

Claim 8, line 3, it is unclear if "a line" is supposed to be the same as "a line" of claim 7, line 2, or if these are different lines. Further, line 5, it is not clear what "line" applicant is referring to as "another line".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

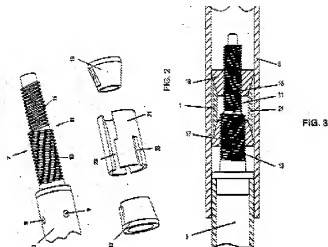
Claims 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub. US

2006/02024322 A1 Roiser.

With respect to claim 2, Roiser discloses a member-joining device (Figs. 2-3) to connect a first member (3) to a second member (5), comprising a first bridge member (17); a second bridge member (19); and a drawing means (constituted by threaded parts 13 and 15) for drawing the first bridge member (17) and the second bridge member (19) in the direction where both are close to each other; wherein said first and second members are pressed and connected by a drawing force based on said drawing means (13, 15); and wherein the first member (3) and the

Comment [D1]: What is the effective date of this reference and how does it compare to the effective date of the instant application?

second member (5) are pressed and connected by a drawing force based on the drawing means (13, 15), the drawing means (13, 15) draws and tightens the first bridge member (17) to the second bridge member (19) by utilizing screw forwarding mechanism.



With respect to claim 3, Roiser discloses a member-joining device (Figs. 2-3) to connect a first member (5) to a second member (not shown), comprising a first bridge member (17); a second bridge member (19); and a drawing means (constituted by threaded parts 13 and 15) for drawing the first bridge member (17) and the second bridge member (19) in the direction where both are close to each other; wherein said first and second members are pressed and connected by a drawing force based on said drawing means (13, 15); wherein the drawing means (13, 15) draws said first bridge member (17) and said second bridge member (19) together by penetrating a screw (13) into a penetrating screw hole formed in either said first bridge member (17) or said second bridge member (19) and screwing said screw into a threaded screw hole provided in the other.

Allowable Subject Matter

Claims 5-9 stand allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As to claim 5, lines 2-7, the closest prior art Roiser (Pub. US 2006/02024322 A1) discloses the claimed connecting device with the exception of the second members adjacent to each end of the first member are connected through the first member; each second member opposes each other and has a pair of slightly beveled contact face in the downwardly drawing direction; and an end face of said second member is pressed to the contact face of the first member to join the first and the second members (claim 5, lines 2-7).

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the connector device as disclosed by Roiser (Pub. US 2006/02024322 A1) to have the above mentioned elemental features.

Response to Arguments

Applicant's arguments with respect to claims 2, 3, and 5-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Comment [D2]: How can you indicate claims drawn to the combination as being allowable for the subcombination? Also, considering the combination, (1) how does the recitation of multiple second elements have anything to do with the single joining device claimed when the single joining device clearly does not connect both second elements to the first element? Also, how can you say the combo is patentable when earlier in the action you said that only the subcombo was being considered? How do elements of the combo constitute the subcombo? Finally, connecting second elements to opposite ends of a first element is notoriously old and well-known per se and clearly is not patentable subject matter and if you don't know what a contact face is, how can you say that is what makes the claims patentable?

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri
Examiner
Art Unit 3679
November 11, 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679